

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.15379 of 2021

Umesh Chandra Barick *Petitioner*
Mr. P.K. Biswal, Advocate.
-versus-
State of Orissa *Opposite Parties*
Mr. G.R. Mohapatra, ASC

CORAM:
DR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
14.11.2022

04. 1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The Petitioner is apprehending his arrest in Aul P.S. Case No.6 of 2021 corresponding to G.R. Case No.8 of 2021 pending in the court of learned J.M.F.C., Aul for the alleged commission of offences punishable under Sections 341/323/294/324/307/506/34 of the I.P.C. read with Section 25 of the Arms Act, 1959 has filed this petition under Section 438 of the Cr.P.C. for release on pre-arrest bail.
4. Perused the allegation made in the F.I.R.

5. The brief facts of the case is that the Petitioner along with others being armed with deadly weapons attacked her husband by means of Bhujali, Farsa and Iron rod as a result, he sustained injuries on his legs and also one Jayram Jena assaulted him by means of a Bhujali as a result, he sustained bleeding injury on his head and they threatened him on dire consequences.

6. Considering the facts and circumstances of the case and also it is not disputed that the Petitioner release on anticipatory bail shall not be a hindrance to a free and fair investigation, this Court is of the view that the Petitioner has made out a case for his release on anticipatory bail, more particularly when he is ready and willing to co-operate with the investigation. There is no chance of absconding and/ or tampering with the prosecution evidence or influence or coerce any witnesses, if released on anticipatory bail.

7. It has been observed that the petitioner has engaged in forum shopping by way of filing fresh anticipatory bail application before this court when the said matter was showing before the learned District & Sessions Judge. This attitude of the petitioner is deplorable and this Court deprecates such practice. In

such background, the petitioner is directed to pay Rs.3,000/- (Rupees three thousand) as cost for such act and the said cost shall be deposited with the Orissa High Court Bar Association Welfare Fund and the receipt thereof is to be shown to the court in seisin over the matter.

8. Hence, this Court directs that in the event of arrest of the Petitioner in connection with the aforesaid case, he be released on pre-arrest bail by the Officer effecting arrest on some stringent terms and conditions to be imposed by the court in seisin over the matter as deemed just and proper.

9. However, the aforesaid order is subject to the condition that the Petitioners shall co-operate with the investigation and no other graver offence is reported against them besides the aforesaid offences.

10. The ABLAPL is, accordingly, disposed of.

11. Urgent certified copy of this order be granted on proper application.

(Dr. S.K. Panigrahi)
Judge